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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/088,971	03/25/2002	Tatsuji Nagaoka	9683/107	6639
757	7590	10/27/2006	EXAMINER	
BRINKS HOFER GILSON & LIONE P.O. BOX 10395 CHICAGO, IL 60610			PENG, FRED H	
			ART UNIT	PAPER NUMBER
			2623	

DATE MAILED: 10/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/088,971	Applicant(s) NAGAOKA ET AL.	
	Examiner fred peng	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 March 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>See Continuation Sheet</u> . | 6) <input type="checkbox"/> Other: _____ |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :2/17/06, 10/06/05,10/25/04,6/23/04,6/21/02.

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-2, 4, 6-7, 11, 13, 15, 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Kamada et al (US 7,039, 928 B2).

Regarding Claims 1, 15 and 17, Kamada discloses an audience rating calculating system comprising:

A broadcast station for broadcasting a plurality of programs (FIG.1 120, 121, TV set is receiving broadcasting programs from broadcast station);

A plurality of receivers each of which selectively receives and reproduces a program broadcasted from the broadcast station (FIG.1);

A plurality of remote controllers (FIG.1, 102) each of which transmits a program selection signal representing a program selection request from a user to any one of the plurality of receivers; and

An audience rating calculating server (Col. 3 lines 19-26) for calculating audience ratings of users, wherein:

Each of the remote controllers includes a means for storing audience identification information which uniquely specifies the user, and transmits the audience identification information after adding the audience identification information to the program selection signal, according to a program selection operation performed by the user (Col. 12 lines 7-12, each viewer owns his/her remote controller to identify the selection of the program with inherent memory to store ID for each user);

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Each of the receivers includes a storage means (FIG.1 108, Col. 4 lines 59-62), receives from the broadcast station the program selection signal, the audience identification information, and a program which is designated by the program selection signal, and stores in the storage unit program identification information for uniquely specifying the received program, the audience identification information, and a viewing time of the program correspondingly, as viewing history information (FIG.8, Col. 6 lines 58-59, Col. 7 lines 1-2, 7-8, Col. 12 lines 15-18); and

The audience rating calculating server includes an audience identification information storage means for storing the audience identification information and attribute information representing attributes of the audiences correspondingly, collects viewing history information stored in the plurality of receivers (Col. 2 lines 39-41, Col. 12 lines 4-5), and calculates an attributes-specific audience rating on the basis of the collected viewing history information and the attributes information stored in the audience attribute information storage means (Col. 11 lines 4-7).

Regarding Claim 2, Kamada further discloses each of the remote controllers is a mobile communication terminal which is accommodated in a mobile communication network (FIG.1 102, 103, 104), and includes a first wireless interface for performing wireless communication with a base station in the mobile communication network (FIG.1, Remote controller 102, can control TV set via TV controller 104) and a second wireless interface for transmitting the program selection signal to any one of the plurality of receivers (FIG.1, Remote controller 102, can also select the programs from the program guide, FIG.4, via the receiver (set-top box), 103).

Regarding Claim 4, Kamada further discloses each of the receivers is network-connected to the mobile communication network (FIG.1, 103, 104, 121, 102, TV set receiver, set-top box receiver for satellite or cables are network-connected to the remote controller); and

The first wireless interface transmits the program selection signal to any one of the plurality of receivers via the mobile communication network (FIG.1, Remote controller 102, selects TV program from antenna 120, via TV controller 104).

Regarding Claim 6, Kamada further discloses the program is supplied to each of the receivers by a broadcast radio wave (FIG.1 120).

Regarding Claim 7, Kamada further discloses each of the receivers is connected to the broadcast station via a network, and the program is supplied to each of the receivers via the network (FIG.1 120, the receiver is connected to station via TV broadcasting network).

Regarding Claim 11, Kamada discloses a mobile communication terminal comprising:
A memory for storing identification information for uniquely specifying a user of the mobile communication terminal (Col. 12 lines 7-12, each viewer owns his/her remote controller to identify the selection of the program with inherent memory to store ID for each user);
A first wireless interface; and a second wireless interface, wherein the first wireless interface performs wireless communication with a base station of the mobile communication network (FIG.1 102, 104, 120, remote controls TV set via TV antenna 120); and
The second wireless interface adds the identification information to a program selection signal representing a program selection request from the user (Col. 12 lines 9-11), and transmits the program selection signal containing the identification information to a receiver which selectively receives and reproduces a program broadcasted from a broadcast station according to a selection operation performed by the user (FIG.1 102, 103, FIG.4, program guide, user selects the program via the program guide received from the set-top box 103).

Regarding Claim 13, Kamada further discloses the receiver is connected to the mobile communication network (FIG.1, 103, 104, 121, 102, TV set receiver, set-top box receiver for satellite or cables are network-connected to the remote controller), and the first wireless interface transmits the program selection signal to the receiver via the mobile communication network (FIG.1, Remote controller 102, selects TV program from antenna 120, via TV controller 104).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kamada et al (US 7,039, 928 B2) in view of Nakano et al (US 5,901,366).

Regarding Claims 3 and 12, Kamada does teach all the limitations in Claims 1, 2 and 11.

Kamada does not teach the mobile communication terminal is a mobile telephone that performs conversation in a wireless manner.

In an analogous art, Nakano does teach the mobile communication terminal is a mobile telephone that performs conversation in a wireless manner (FIG.3, 5, Col. 1 lines 61-65).

It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Kamada with the mobile communication terminal is a mobile telephone that performs conversation in a wireless manner taught by Nakano (FIG.3, 5, Col. 1 lines 61-65) to add convenience for watching TV and receiving the phone call when two functions are combined together.

5. Claims 5, 8, 14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kamada et al (US 7,039, 928 B2) in view of Look et al (US 6,757,906 B1).

Regarding Claims 5 and 14, Kamada does teach all the limitations in Claims 1 and 11.

Kamada does not teach the program selection signal includes data representing a request for recording of the program.

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In an analogous art, Look does teach the program selection signal includes data representing a request for recording of the program (FIG.19, 1903).

It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Kamada with the program selection signal includes data representing a request for recording of the program taught by Look (FIG.19, 1903) as a common practice to record the favorite program for future watching.

Regarding Claims 8 and 16, Kamada does teach each of the receivers stores audience identification information of audiences who are registered to receive information of the program from the receiver (Col. 12 lines 15-18). Kamada does not teach a judging means for judging whether a request specified by the program selection signal is valid by comparing the audience identification information contained in the received program selection signal with the audience identification information of the audiences who are registered to receive the program information.

In an analogous art, Look does teach a judging means for judging whether a request specified by the program selection signal is valid by comparing the audience identification information contained in the received program selection signal with the audience identification information of the audiences who are registered to receive the program information (Col. 16 lines 50-55).

It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Kamada with a judging means for judging whether a request specified by the program selection signal is valid by comparing the audience identification information contained in the received program selection signal with the audience identification information of the audiences who are registered to receive the program information taught by Look as a conventional and easy way to distinguish the users.

6. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kamada et al (US 7,039, 928 B2) in view of Miyake (US 3,947,624).

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Regarding Claim 9, Kamada does teach all the limitations in Claim 1. Kamada does not teach the broadcast station includes a means for obtaining the audience rating calculated by the audience rating calculating server.

In an analogous art, Miyake does teach the broadcast station includes a means for obtaining the audience rating calculated by the audience rating calculating server (FIG.5, 51, Tape, Drum, Col. 5 lines 24-31).

It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Kamada with the broadcast station includes a means for obtaining the audience rating calculated by the audience rating calculating server taught by Miyake (FIG.5, 51, Tape, Drum, Col. 5 lines 24-31) as a conventional and more accurate way to obtain the audience rating for providing statistical analysis.

7. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kamada et al (US 7,039, 928 B2) in view of Harada et al (US 5,721,583).

Regarding Claim 10, Kamada does teach all the limitations in Claim 1. Kamada does not teach the remote controller obtains the audience rating calculated by the audience rating calculating server.

In an analogous art, Harada does teach the remote controller obtains the audience rating calculated by the audience rating calculating server (Col. 20 lines 30-35).

It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Kamada with the remote controller obtains the audience rating calculated by the audience rating calculating server taught by Harada (Col. 20 lines 30-35) as a portable and personal device to receive and store personal interesting information.

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Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to fred peng whose telephone number is (571)270-1147. The examiner can normally be reached on Monday-Friday 08:00-17:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (571)272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


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